IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 427 OF 2003

IN

SUIT NO. 494 OF 2003

Saregama **India Ltd** .. **Plaintiff**

versus

Maa Sherawali Exports Pvt.Ltd .. Defendant

...

Mr.H.N.Thakore with Ms.Jiwani i/b Thakurdas Jariwala & Co for Plaintiff.

CORAM : D.G. KARNIK, J

DATED : 25th February, 2005.

P.C:-

1. By this motion, the plaintiff prays that the defendant be restrained by an injunction from taking any action in furtherance of the defendant's letter dated 10th January, 2003. In my view, this cannot be done for the reasons mentioned below:

2. By an agreement dated 27th November, 2000 the

plaintiff conferred broadcasting rights in respect of certain films in favour of the defendant. When the plaintiff tried to telecast one of the films in breach of the said rights conferred on the defendant, the defendant wrote a letter to the plaintiff on 10th January, 2003 pointing out that the defendant has the exclusive rights and if the plaintiff broadcasted the film that would be violation of the agreement and the defendant would be forced to take legal action civil, criminal against the plaintiff. Assuming that there is any dispute as to whether the rights have been conferred on the defendant or not, no injunction can be granted against the defendant restraining it from taking any legal action as stated in the letter dated 10th January, 2003. If the plaintiff does any act which infringes the defendant's rights or if the defendant feels that its rights are infringed on account of any action of the plaintiff the defendant has a right to take any legal action as law permits. And no injunction can be granted restraining the defendant from taking any action. Hence, motion is dismissed.

D.G.KARNIK, J